

Rule 48. Legal Assistance by Law Students.

(a) Practice.

(1) An eligible law student may engage in the limited practice of law in the District of Columbia in connection with any civil case or matter (including any family and/or juvenile proceedings) and any criminal case or matter (not involving a felony) which may be pending in any court or any administrative tribunal of the District of Columbia, which by rule of such court or tribunal permits such appearance as a part of a “clinical program,” as hereinafter defined, on behalf of any indigent person who has consented in writing to that appearance, provided that a “supervising lawyer,” as hereinafter defined, has also indicated in writing approval of that appearance.

(2) An eligible law student may also appear in any criminal case or matter on behalf of the United States or the District of Columbia with the written approval of the United States Attorney or the Corporation Counsel or their authorized representatives and the “supervising lawyer.”

(3) In each case the written consent and approval referred to above shall be filed in the record of the case.

(4) A “clinical program” for which such practice by an eligible law student is limited is a law school program for credit, held under the direction of a faculty member of such law school, in which a law student obtains practical experience in the operation of the District of Columbia legal system by participating in cases and matters pending before the courts or administrative tribunals.

(b) Requirements and Limitations. To be eligible to make an appearance pursuant to this Rule, the law student must:

(1) Be enrolled in a law school approved by the American Bar Association and the Admissions Committee of this court.

(2) Have successfully completed legal studies amounting to at least 41 semester hours, or the equivalent if the school is on some basis other than a semester basis, including evidence and criminal and civil procedure.

(3) Be certified by the dean of the law school as being of good character and competent legal ability, and as being adequately trained to participate in cases or matters pending before the courts or administrative tribunals.

(4) Be certified by the Admissions Committee of this court as eligible to engage in the limited practice of law authorized by this Rule.

(5) Be registered with the Unauthorized Practice of Law Committee of this court.

(6) Neither ask for nor receive a fee of any kind for any services provided under this rule, except that the payment of a regular salary to a law student who is also an employee of the United States or any agency thereof, the District of Columbia or any agency thereof, or the Public Defender Service shall not make that student ineligible under this rule.

(7) Certify in writing that the student has read and is familiar with the rules of the court governing the Bar of the District of Columbia, including the American Bar Association's Code of Professional Responsibility which pursuant to Rule X and Amendment A thereof, constitutes the standard governing the practice of law in the District of Columbia.

(c) Certification. The certification of a student by the law school dean:

(1) Shall be filed with the Clerk of the court and, unless it is sooner withdrawn, it shall remain in effect until the expiration of one year after it is filed, or until the announcement of the results of the first bar examination given by the Admissions Committee of this court following the student's graduation, whichever is earlier. The certification may be continued in effect for any student who passes that examination until the student is either admitted by this court or denied admission to the Bar by the Admissions Committee.

(2) May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk. It is not necessary that the notice state the cause for withdrawal.

(3) May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the Clerk and a copy thereof sent to the law school dean of the particular student.

(d) Other Activities.

(1) In addition to participating in pending cases and matters as provided in section (a)(1) of this Rule, an eligible student may engage in other activities of the "clinical program" under the general supervision, but outside the physical presence, of the supervising lawyer, including:

(i) Preparation of pleadings and other documents to be filed in any case or matter in which the student is eligible to participate, but such material must be signed by the supervising lawyer.

(ii) Preparation of briefs, abstracts and other documents to be filed in appellate courts of this jurisdiction, but such material must be signed by the supervising lawyer.

(iii) Each pleading, brief, or other document must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only

a portion of it, that fact may be mentioned.

(2) An eligible law student may participate in oral argument in this court in the presence of the supervising lawyer in any appeal, including felony and misdemeanor cases, provided that there is filed with the Clerk a written consent from the appellant to that appearance and the supervising lawyer indicates in writing approval of that appearance.

(e) Supervision. The “supervising lawyer” referred to in this Rule shall:

(1) Be a lawyer whose service as a supervising lawyer for the clinical program is approved by the dean of the law school in which the law student is enrolled.

(2) Assume full responsibility for guiding the student’s work in any pending case or matter or other activity in which the student participates and for supervising the quality of that student’s work.

(3) Assist the student in preparation of the case, to the extent necessary in the supervising lawyer’s professional judgment to insure that the student’s participation is effective on behalf of the indigent person represented.

(4) Be an “active” member of the District of Columbia Bar as set forth in the rules of this court governing the Bar of the District of Columbia.